

OGC Has Reviewed

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OGC 75-0354

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6 FEB 1975

Aspects of Intelligence

MEMORANDUM FOR: Deputy Director for Administration
Deputy Director for Intelligence
Deputy Director for Operations
Deputy Director for Science & Technology
Deputy to the Director/NIO
Deputy to the Director/IC
Inspector General
Legislative Counsel
General Counsel
Comptroller

SUBJECT : Delegation of Authority under Freedom of
Information and Executive Order 11652

1. Effective this date, I hereby delegate authority for Agency action responsive to requests under the Freedom of Information Act, Executive Order 11652 and applicable regulations and policies, as follows:

(a) to each addressee, the authority to release documents and records and portions thereof and to deny or withhold documents and records;

(b) to each addressee, the authority to delegate to subordinates any authority delegated to him by subparagraph (a) of this memorandum;

(c) to the Deputy Director for Administration, the authority to delegate to senior Agency officials, including the Deputy Director for Administration, the authority to act on any appeal from any decision denying or withholding records and any other appeal arising from the Freedom of Information Act or the Executive Order.

2. The delegation of authority by subparagraph 1(a) of this memorandum shall cease as to any addressee to whom authority to act on appeals is delegated pursuant to subparagraph 1(c). No delegation of authority pursuant to subparagraph 1(c) shall terminate any delegation by subparagraph 1(b).

/s/ W. E. Colby

W. E. Colby
Director

6 FEB 1975

Date

DIRECTOR OF CENTRAL INTELLIGENCE DETERMINATION

ASPECTS OF INTELLIGENCE SOURCES AND METHODS
THAT MUST BE PROTECTED FROM UNAUTHORIZED DISCLOSURE

1. By virtue of the authorities vested in me as Director of Central Intelligence, pursuant to Section 102(d)(3) of the National Security Act of 1947, as amended, and Section 6 of the Central Intelligence Act of 1949, as amended, by virtue of the authorities delegated to me by the National Security Council, pursuant to the authorities of Section 102(d) of the National Security Act of 1947, as amended, and by virtue of the authorities vested in me as head of an agency of the United States Government, I do hereby determine that the attached list entitled "Aspects of Intelligence Sources and Methods of the Central Intelligence Agency that Require Protection from Unauthorized Disclosure" constitutes the aspects of intelligence sources and methods of the Central Intelligence Agency which must be protected from unauthorized disclosure.
2. If any aspect contained in said list is held invalid, all valid aspects that are severable from the invalid aspect remain in effect. If an aspect is held invalid in one or more of its applications, the aspect remains in effect in all valid applications that are severable from the invalid application or applications.
3. All documents originated within the Central Intelligence Agency which contain any information described in the aspects of intelligence sources and methods as enumerated in said list or which will be subsequently authorized by me for addition to said list will be marked with a warning to indicate same.
4. For matters other than those related to the Freedom of Information Act and Executive Order 11652, I hereby delegate to the Deputy Directors for Administration, Intelligence, Operations and Science and Technology, Inspector General, General Counsel, Legislative Counsel and Comptroller the authority to authorize disclosure of any aspect or part thereof contained

in said list that is within their substantive areas of responsibility where such disclosure will not damage or put in jeopardy Agency employees, agents, informants, activities, operations or interests. This delegation may be redelegated to the immediate subordinates of these Deputy Directors and Heads of Independent Offices. Nothing in this delegation is meant to conflict with my delegation of 6 February 1975 with respect to the Freedom of Information Act or Executive Order 11652.

5. Information relating to any Agency activity or operation which violates a U.S. statute, Executive order or Presidential order or is without authority of law cannot be withheld irrespective of any otherwise apparent coverage that might be afforded by any aspect contained in said list.

6. Procedures necessary to implement this determination will be promulgated, pursuant to the authority contained herein, as a regulation of the Central Intelligence Agency. I hereby authorize and direct the Deputy Director for Administration to approve and implement such regulation. I hereby assign the responsibility to the Deputy Director for Administration to periodically review said list to develop any new aspects or to delete aspects no longer necessary. The results of said review as well as any aspects identified requiring my immediate attention will be forwarded to me for approval.

12 JAN 1976

Date



Director of Central Intelligence

STATINTL

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STATINTL

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OGC 75-3395
18 September 1975

MEMORANDUM FOR: DDO, Attn: [REDACTED]
DDI, Attn: [REDACTED]
DDS&T, Attn: [REDACTED]
DDA, Attn: [REDACTED]
IG, Attn: [REDACTED]
Comptroller, Attn: [REDACTED]
OLC, Attn: [REDACTED]

SUBJECT : Aspects of Intelligence Sources and Methods

STATINTL

1. Attached is the final list of the Aspects of Intelligence Sources and Methods. Hopefully I have incorporated all the thoughts each of you has given me pursuant to your initial responses and your recent review of the first draft of the list. In the case of the Science and Technology and the Administration Directorates, I have also sent the list to those offices who participated directly in the drafting of the Aspects. I have asked that they make their comments [REDACTED] respectively.

STATINTL

2. We have tried to organize the Aspects into broad subject groups. While in most cases this is possible, there is some overlap in that some Aspects relate to more than one of the groups. I hope such grouping will facilitate your review. Grouping the Aspects required renumbering them. I have attached cross-reference lists showing the old and new numbers.

3. If you find the Aspects offer satisfactory coverage for your activities, I ask that you concur on the attached sheet. As each of the Deputy Directors and Heads of Independent Offices specifically delegated their responsibility in this regard to you, your concurrence is sufficient for me. I will leave it to your judgment as to the degree you want to involve your Deputy or Head of Office. I would appreciate your concurrence by 19 September. If you have comments or problems please call me as soon as possible so those can be resolved prior to the date of our going forward to the Director.

4. It is our intention that the Director will adopt this listing, pursuant to law, as his determination of the Aspects of Intelligence Sources and Methods requiring protection from unauthorized disclosure in accordance with the responsibilities assigned to him by Section 102(d)(3) of the National Security Act of 1947. Such a determination can then be considered for use in injunctive cases such as Marchetti and in Freedom of Information cases in conjunction with exemption 3 of the Freedom of Information Act (FOIA). The determination is not associated with the classification system as currently defined and prescribed in Executive Order 11652. As a practical matter, the listing will, in effect, become a definition of what constitutes intelligence sources and methods.

5. In this regard, the Agency secrecy agreement will have to be modified in order that a separate contractual agreement will protect intelligence sources and methods from unauthorized disclosure. This separate protection will be in addition to the current secrecy agreement regarding the protection of classified information.

6. Documents containing Aspects of Intelligence Sources and Methods will have to be marked indicating same. This, of course, is independent of any markings because of classification pursuant to E.O. 11652. The intelligence sources and methods marking might take a form such as:

WARNING

This document contains information regarding intelligence sources and methods which is subject to 50 U.S.C. 403(d)(3) and 50 U.S.C. 403g. Pursuant to the statutory responsibility of the Director of Central Intelligence contained therein, this information may not be disclosed to an unauthorized party without the express authorization of the Director or his duly authorized representative. This determination made by _____.

7. After adoption by the Director, regulations will have to be promulgated to establish procedures regarding the Director's determination. Included therein should be, among other things, procedures for review and update of the list of Aspects and the consequences of disregard or violation of the procedures.

8. As many of you know, the general philosophy in drafting the Aspects has been to include both general and specific Aspects which may have overlapping application. If the general Aspect can be used in a specific case, we will avoid disclosing specifics; however, in many cases the particular office concerned has suggested including a more specific Aspect in order to have an alternative should the specific case dictate its use. Obviously, there is wide latitude here. Lacking further guidance as to what standards courts will apply in either an injunctive or FOIA case, it is my view that at this time the Agency will have to depend to a large extent on the views of the office within the Agency that has primary responsibility in the area that is the subject of the particular Aspect, together with legal advice from this Office. There have been several suggestions regarding merging certain Aspects. I have tended to separate related Aspects so that when we are required to use one of them, we disclose as little of our operations as possible. Obviously, this separation can be only a matter of degree but as the Aspects as written seem to satisfy the components that originally suggested them, I am somewhat wary of major modifications thereto.

9. The list of Aspects represents considerable effort by all components of the Agency. This Office believes that the product of the resultant list was certainly worth the effort. It is our opinion that the implementation of an intelligence sources and methods protective system will offer significant protection of assets of this Agency that has heretofore gone unrealized. We are very appreciative of all the efforts that each of you has made to this undertaking.



Assistant General Counsel

STATINTL

Attachment

OGC: JED: pw

Distribution:

- ✓ Original - OGC Subj: SECURITY- Intelligence Sources & Methods (case filed)
- 1 - JED Signer
- 1 - Chrono

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